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DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

NIXON & VANDERHYE P.C. 8TH FLOOR 1100 NORTH GLEBE ROAD ARLINGTON, VA 22201

In re Application of: Masayuki Takahashi, Toshinori Yukino and Mitsuri Fukushima Application No. 09/702,828 Filed: November 1, 2000 Title of Invention:
AUTOMOBILE INTERIOR OR EXTERIOR TRIM MATERIAL

This is in response to a petition under 37 CFR 1.47(a), filed April 11, 2001, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor.

The petition is dismissed.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)", and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on November 1, 2000, without a fully executed oath or declaration. Along with the application, Petitioner submitted the instant Petition.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) as set forth above.

As to item (1), the applicant has failed to establish the exercise of diligent effort in trying to find or reach the nonsigning inventor.

Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made to locate the inventor. Emphasis supplied. MPEP § 409.03(d). At the very least, a search of telephone directories should be undertaken of the regions where it is suspected the non-signing inventor may reside. Copies of the results of such searches must be referred to in any renewed

petition. It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Commissioner for Patents

Box DAC

Washington, D.C. 20231

By FAX:

(703) 308-6916 Attn: Office of Petitions

By hand:

Crystal Plaza Four, Suite 3C23 2201 S. Clark Place

Arlington, VA

Telephone inquiries related to this decision may be directed to Petitions Attorney Derek L. Woods at (703) 305-0014.

Beverly M. Flanagan
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for Patent Examination Policy